



CITY APPOINTEES
 MARY SHARP, VICE CHAIR
 SCOTT FLEMING
 MARGARET PRITCHARD
 JAMES TOLES
 ALFRED WASHINGTON

MEMPHIS AND SHELBY COUNTY LAND USE CONTROL BOARD

EST. 1922 AS MEMPHIS PLANNING COMMISSION - REORGANIZED IN 1976

JOSH WHITEHEAD, AICP, SECRETARY
 CITY HALL - 125 N. MAIN ST., STE. 468 - MEMPHIS, TENNESSEE 38103 - (901) 576-6601



COUNTY APPOINTEES
 JON MCCREERY, CHAIR
 ROBERT NORCROSS
 EMILY TRENHOLM
 DESIREE LYLES WALLACE
 LISA WILBANKS

MINUTES August 13, 2015

Meeting Attendance

LUCB Board Members

OFFICERS/MEMBERS	NAME	PRESENT	ABSENT
Chairman	Jon McCreery	X	
Vice Chairperson	Mary Sharp	X	
Member	Scott Fleming	X	
Member	Margaret Pritchard	X	
Member	Robert Norcross	X	
Member	James Toles	X	
Member	Emily Trenholm	X	
Member	Desiree Lyles Wallace	X	
Member	Alfred Washington	X	
Member	Lisa Wilbanks	X	

Call to Order and Roll Call

Chairman McCreery called the meeting to order at 10:00 a.m. Josh Whitehead called the roll. There was a quorum.

LUCB Staff: Calvin Abram, Brian Bacchus, Don Jones, Marion Jones, Troy Fraiser, and Norman Saliba.

Others Present: Javier Bailey, David Bray, Sara Hall, Susanne Heartsill, Andre Jones, Cindy Reaves, Brett Schubert and David Wade.

Chairman's Opening Remarks

Chairman McCreery read the General Order of the Public Hearing proceedings and the Conflict of Interest Statement.

Secretary's Report

Josh Whitehead noted the following update on Cases:

1. Pay Day Lender at Macon and Houston Levee was rejected by Co. Commission.
2. One Beale (Apt./Hotel) was approved
3. Mini Storage at Reddick and Poplar was approved.

Approval of Minutes: June 11, 2015 and July 9, 2015

Board Member Pritchard made a motion to approve Minutes of June 11, 2015 and July 9, 2015. The motion was seconded by Board Member Sharp. The motion passed unanimously.

General Order of Public Hearing

Chairman McCreery explained the procedure for hearing the applications; staff presentation for the application; applicant comments; comments from the public; time limits; rebuttal; and the LUCB's discussion and action. Chairman McCreery also explained the procedure for hearing the Consent Agenda Items. He then introduced Board Member Lisa Wilbanks to be the Subdivision Chair and to read the Consent Agenda Items. The Consent Agenda Items 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 15, 16, 17, 18, 20, 21, 22, 23 and 24 was read.

Consent Agenda (Items 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 15, 16, 17, 18, 20, 21, 22, 23 and 24)

- | | |
|--------------------------|---|
| 3. CASE NUMBER: | S.U.P. 15-213 |
| PROJECT LOCATION: | Northeast corner of Jackson Avenue & North Front St. |
| Request: | To allow an extended stay hotel within the MU zoning district. |
| Staff's Recommendation: | Approval with conditions |
| 4. CASE NUMBER: | S 15-012 |
| PROJECT NAME: | SHELBY OAKS-SUMMER TREES SUBDIVISION |
| Request: | 1 lot subdivision. |
| Staff's Recommendation: | Approval with conditions |
| 5. CASE NUMBER: | S.A.C. 15-611 |
| PROJECT LOCATION: | Echles St. between Southern Ave. & Spottswood Ave. |
| Request: | To vacate public right-of-way in the Campus Master Plan-1 (CMP-1) District. |
| Staff's Recommendation: | HOLD |
| 6. CASE NUMBER: | S.A.C. 15-612 |
| PROJECT LOCATION: | Loggins Avenue between Echols Street & Houston Street |
| Request: | To vacate public right-of-way in the Campus Master Plan-1 (CMP-1) District. |
| Staff's Recommendation: | HOLD |
| 7. CASE NUMBER: | S.A.C. 15-613 |
| PROJECT LOCATION: | Alley |
| Request: | To vacate public right-of-way in the Campus Master Plan-1 (CMP-1) District. |
| Staff's Recommendation: | HOLD |
| 8. CASE NUMBER: | S.A.C. 15-614 |
| PROJECT LOCATION: | Alley |

Request:	To vacate public right-of-way in the Campus Master Plan 1 (CMP-1) district.
Staff's Recommendation:	HOLD
9. CASE NUMBER:	S.A.C. 15-615
PROJECT LOCATION:	Alley on north side of York Ave.; 540.5 feet of Cooper Ave.
Request:	Vacate public right of way in the Employment (EMP) district.
Staff's Recommendation:	Approval with conditions
10. CASE NUMBER:	S.A.C. 15-616 (Companion Case PD 15-316)
PROJECT LOCATION:	Kirby Road; 850 feet north of Winchester Road
Request:	To close a section of Kirby Road
Staff's Recommendation:	Approval with (4) condition
12. CASE NUMBER:	Z-2662
PROJECT LOCATION:	Northeast corner of Germantown Parkway and Timber Creek Drive
Request:	Reduce the current minimum front yard building setback of 60 feet along Germantown Parkway and Timber Creek Drive to 30 feet on Germantown Parkway and 20 feet on Timber Creek Drive to accommodate the construction of a restaurant.
Staff's Recommendation:	Approval
13. CASE NUMBER:	P.D. 05-344 CC
PROJECT NAME:	PHILLIPS FARM PLANNED DEVELOPMENT
Request:	5 Year time extension to construct project.
Staff's Recommendation:	Approval
15. CASE NUMBER:	P.D. 15-314
PROJECT LOCATION:	MCKEE ROAD MULTI-PURPOSE PLANNED DEVELOPMENT
Request:	Planned development to re-establish day care, including group living, education facility and limited Employment (EMP) District land uses.
Staff's Recommendation:	Approval with conditions
16. CASE NUMBER:	P.D. 15-315
PROJECT NAME:	SAM COOPER PLANNED DEVELOPMENT
Request:	To allow a Planned Development for a retail center with a grocery store component with the Midtown Corridor East/Binghampton area.
Staff's Recommendation:	Approval with conditions

- 17. CASE NUMBER:** **P.D. 15-316 (Companion Case SAC 15-616)**
PROJECT NAME: **KIRBY PINES ESTATES PLANNED DEVELOPMENT**
Request: To expand the boundary of Kirby Pine Estates PD to permit office use and open space use.
Staff's Recommendation: Approval with conditions
- 18. CASE NUMBER:** **S.U.P. 04-213 CO**
PROJECT LOCATION: **10577 Memphis – Arlington Road**
Request: To allow a time extension for an existing mining operation.
Staff's Recommendation: Approval with conditions
- 20. CASE NUMBER:** **S.U.P. 13-211**
PROJECT LOCATION: **1304 North Graham (East side of N Graham Street; +/- 492' south of Bayliss Ave.)**
Request: 2 Year time extension to install cell tower.
Staff's Recommendation: Approval
- 21. CASE NUMBER:** **S.U.P. 15-214**
PROJECT LOCATION: **Northwest corner of W Mallory Ave. & S. Lauderdale St.**
Request: Embalming Service.
Staff's Recommendation: Approval with conditions
- 22. CASE NUMBER:** **S.U.P. 15-215**
PROJECT LOCATION: **South side of Union Avenue at 4th St., extending south to Gayoso Ave.**
Request: A Special Use Permit to allow a Hotel.
Staff's Recommendation: HOLD
- 23. CASE NUMBER:** **Z 15-102**
PROJECT LOCATION: **North side of Summer Avenue; +/-225 feet west of Vaughn Road**
Request: Commercial Mixed Use (CMU-1) District.
Staff's Recommendation: Approval
- 24. CASE NUMBER:** **Z 15-103**
PROJECT LOCATION: **795 South Cooper Street**
West side of South Cooper Street between Elzey Avenue and CSX railroad right-of-way
Request: Employment (EMP) District.
Staff's Recommendation: Approval

Chairman McCreery asked if there were any items needed to be removed/pulled for discussion. Agenda Item 11 was pulled. Chairman McCreery then asked the board members for a motion to approve Consent Agenda Items 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 15, 16, 17, 18, 20, 21, 22, 23 and

24. Before the motion Board Member Fleming recused himself from voting on Item 16. Board Member Wilbanks made a motion to approve Consent Agenda Items 3, 4, 5, 6, 7, 8, 9, 10, 12, 13, 15, 16, 17, 18, 20, 21, 22, 23 and 24 in agreement with staff's recommendations. The motion was seconded by Board Member Pritchard. The motion passed unanimously.

REGULAR AGENDA ITEMS:

Chairman McCreery introduced Board Member Pritchard who would serve as Zoning Chair and she then called the first case.

Item 1: CASE #:	<u>P.D. 95-362</u>	MALLORY DESOTO PLANNED DEVELOPMENT
Request:		Major modification to allow changes to the approved landscaping.
Location:		South side of Blue Bonnet Board, approximately 470 feet west of Tchulahoma
Applicant:		Medtronic, Inc. (Chris Cambre)
Applicant Representative:		Cindy Reaves, SR Consulting LLC, 5909 Shelby Oaks Drive, Suite 200, Memphis, TN 38134

Chairman McCreery recognized the following persons who spoke from the requesting a friendly amendment.

Cindy Reaves, SR Consulting LLC, 5909 Shelby Oaks Drive, Suite 200, Memphis, TN 38134.

MOTION:	Approval with (1) Conditions and Friendly Amendments to Condition IV.
MADE BY:	Pritchard
SECOND:	Toles
AYES:	Fleming, McCreery, Norcross, Pritchard, Sharp, Toles, Trenholm, Wilbanks, Wallace and Washington

Item 1 – ITEM APPROVED AS AMENDED

Item 2: CASE #:	<u>S.U.P. 15-212</u>
Request:	Special Use Permit to establish a convenience store with gasoline sales.
Location:	184 A.W. Willis Avenue (Northeast corner of A.W. Willis Avenue and Third St.)
Applicant:	A.W. Willis Fuel Center LLC
Applicant Representative:	David Bray, 2950 N. Stage Plaza, Memphis, TN 38134 Javier Bailey, 4210 Millbranch, Memphis TN 38116

Chairman McCreery recognized the following persons who spoke from the audience in opposition of the case.

Brett Schubert (representing Downtown Investments, Inc.), 6410 Poplar Ave, Memphis, TN 38119.

Andre Jones, 598 N. Main St., Memphis, TN 38105.
Sara Hall, Legal Officer for St. Jude/ALSAC, 1218 Massey Cove, Memphis, TN 38120.

MOTION: Approval w/Conditions
MADE BY: Pritchard
SECOND: Wilbanks
AYES: McCreery, Pritchard, Sharp, Toles, Wallace, Wilbanks and Washington
NAYS: Fleming, Norcross and Trenholm

Item 2 – ITEM APPROVED WITH (7) TO (3) VOTE

Item 11: CASE #: S.N.C. 15-001

Request: Change Street Name from Third St. to B.B. King Blvd.
Location: Existing Third Street from E.H. Crump Blvd. on the south to Chelsea Ave. on the north
Applicant: City of Memphis
Applicant Representative: Josh Whitehead, OPD Planning Director, 125 N. Main St., Memphis, TN 38103

*Amendment was made to extend only to Jackson Ave. not to Chelsea Ave.

Chairman McCreery recognized the following persons who spoke from the audience in opposition of the case.

Susanne Heartsill, Downtown Animal Hospital, 347 N 3rd St, Memphis, TN 38105.

MOTION: Approval with an Amendment
MADE BY: Pritchard
SECOND: Wilbanks
AYES: Fleming, McCreery, Norcross, Pritchard, Sharp, Toles, Trenholm, Wilbanks, Wallace and Washington

Item 11 – ITEM APPROVED AS AMENDED

Item 14: CASE #: P.D. 07-339

**AVANT:-NORTH PLANNED DEVELOPMENT:
PHASES 17 & 18**

Request: Major modification to approved final plans to allow motor vehicle service and repair, including accessory motor vehicle sales and service.
Location: West side of Bonnie Ln; +/-700 feet south of Old Dexter Rd.
Applicant: JERBEKAH, LLC
Applicant Representative: Michael Fahy, 7520 Capital Dr, Germantown, TN 38138

AMENDMENTS: 1) Removal of the word, “Brokering” in Condition II. and
2) Add Cond. IV: All “For Sale” cars will be located in the rear of the lot
MADE BY: Pritchard

SECOND: Norcross
AYES: Fleming, McCreery, Norcross, Pritchard, Sharp, Toles, Trenholm,
Wilbanks, Wallace and Washington
MOTION: Approval with (3) Site Plan Conditions and the (2) Amendments
MADE BY: Pritchard
SECOND: Toles
AYES: Fleming, McCreery, Norcross, Pritchard, Sharp, Toles, Trenholm,
Wilbanks, Wallace and Washington

Item 14 – ITEM APPROVED AS AMENDED

Item 19: CASE #: U.V. 05-008

Request: Major modification to the existing use variance at 61 Keel Avenue to add property to the site plan and provide access to Looney Avenue.
Location: Southeast corner of Keel Avenue and North Front Street
Applicant: Gary A. Meloni, Jr. and MLB-Uptown, LLC
Applicant Representative: Cindy Reaves, SR Consulting LLC, 5909 Shelby Oaks Drive, Suite 200, Memphis, TN 38134

MOTION: Agreed upon 30 day HOLD to workout Landscaping issues.
MADE BY: Pritchard
SECOND: Wilbanks
AYES: Fleming, McCreery, Norcross, Pritchard, Sharp, Toles, Trenholm,
Wilbanks, Wallace and Washington

Item 19 – ITEM APPROVED FOR 30 DAY HOLD

Item 25: CASE #: ZTA 15-002

Request: Adopt amendment to the Memphis and Shelby County Unified Development Code.
Applicant: Memphis and Shelby County Office of Planning and Development
Applicant Representative: Josh Whitehead

Chairman McCreery recognized the following persons who spoke from the audience in opposition of the case.

Cindy Reaves, SR Consulting LLC, 5909 Shelby Oaks Drive, Suite 200,
Memphis, TN 38134.

MOTION: Approval as Amended
MADE BY: Pritchard
SECOND: Wilbanks
AYES: Fleming, McCreery, Norcross, Pritchard, Sharp, Toles, Trenholm,
Wilbanks, Wallace and Washington

Item 25 – ITEM APPROVED AS AMENDED

ADJOURNMENT:

There being no further business, the meeting there upon was adjourned.

MINUTES APPROVED: _____

CHAIRMAN

SECRETARY